IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.353 OF 2006
IN
NOTICE OF MOTION NO.1345 OF 2006
IN
SUMMARY SUIT NO.1145 OF 2006

Paramount Communications Ltd. & Anr. ..Appellants. (Orig.Plffs.)

Vs.

M/s.Oriental Containers Ltd. ..Respondents. (Orig.Defts.)

Mr.H.N.Thakore with Mr.Rautan with Ms.Jyoti Ghag i/b.M/s.Thakore Jariwala & Associates for the Appellants.

Mr.Jaydeep Mitra with Mr.Bimal Bhabhada i/b.M/s.Apte & Co. for the Respondents.

CORAM: DR.S.RADHAKRISHNAN AND S.J.VAZIFDAR, JJ.

DATED: 4TH MAY, 2006

P.C. :

1. Heard learned counsel for the Appellants and the Respondents.

2. By filing this Appeal, the Appellant is challenging the order dated 5th April, 2006 passed by the learned Single Judge in a Notice of Motion taken out for attachment before judgment under Order XXXVIII Rule 5 of the Civil Procedure Code.

3. After hearing the parties for some time, the learned counsel for the Appellant seeks leave to withdraw the above Appeal only with a clarification that in the event when the Summons for Judgment will be taken out by the Plaintiff, the learned Judge hearing the same should not be influenced by the observations of the learned Single Judge in the aforesaid impugned order dated 5th April, 2006.

4. In view thereof, the Appeal is allowed to be withdrawn and we clarify that when the Summons for Judgment will be taken out by the Plaintiff, the learned Judge need not be influenced by the observations made by the learned Single Judge in the impugned order dated 5th April, 2006.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)